



STATUTES
OF THE
STATE OF NEW YORK
AND THE
Province of Canada,
IN RELATION TO THE
INTERNATIONAL BRIDGE,
ACROSS THE NIAGARA RIVER
AT
BUFFALO.

BUFFALO :
C. E. YOUNG'S STEAM PRESS, 159 MAIN STREET.
1858.

1858
(2A)

AN ACT

To Incorporate the International Bridge Company.

PASSED APRIL 17TH, 1857.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

SEC. I. All persons who shall become stockholders pursuant to this Act, shall be and they are hereby incorporated a body corporate, by the name of The International Bridge Company, with power to associate with any other persons, company, association or corporation in Canada, for the construction, maintaining a Bridge across the Niagara River, from the City of Buffalo to some point near Fort Erie, in Canada, so as not materially to impede the navigation of said river; said bridge to be constructed with two draws, one across Black Rock harbor and the other across the main channel of the river.

Section II. of the Act passed April 17, 1857, was amended April 10, 1858, so as to read as follows:

"The draws of said bridge shall be of ample width to give free and unobstructed passage to all steamboats and other vessels navigating said river or Lake Erie; they shall be at all times tended and moved, at the expense of said Company, so as not to hinder or delay the passage of any steamboat or vessel. From sundown to sunrise, during the season of lake navigation, suitable lights shall be maintained upon said bridge, to guide all such vessels or steamboats approaching or passing said draws, and shall, at all times, keep in readiness one or more steamboats or steam tugs suitable for towing such vessels through such draws, and shall tow all said vessels through said draw, whenever requested to do so by the officers of said ves-

Company Incorporated.

Bridge to be so built as not to obstruct navigation.

Steam tugs, &c., to tow vessels through the draws.

**Company liable
for damage to
vessels.** sels, on their regular passage up and down the river or harbor, without charge. And said Company shall be liable to pay owners of any steamboat or vessel, or the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section."

Capital & Shares SEC. III. The capital stock of said company shall be one million of dollars, with the privilege of increasing the same to two millions, to be divided into shares of one hundred dollars each, and shall be deemed personal property. At least three months before any steps shall be taken in erecting the piers for the said bridge, the Directors herein provided for shall cause to be published in at least two public newspapers in each of the counties of Erie and Niagara, two of which shall be printed in Buffalo, one at the village of Tonawanda, and one at the village of Niagara Falls, a notice in which shall be stated the particular location of the bridge, with reference to known land marks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear of the draw openings respectively, the entire length of the structure from land to land, and its height above the water at ordinary stages. Two copies of this notice, the facts of which to be verified by the oath of the Engineer, signed by the President and Secretary of the Company, and acknowledged by them before an officer empowered to take the proof of deeds, shall be made out and severally filed in the Clerk's office of the Counties of Erie and Niagara.

**Board of Direct-
ors.** SEC. IV. The stock, property, affairs and concerns of said company or corporation shall be managed by a Board of nine Directors, who shall be each stockholders of said corporation, and shall be annually chosen, after the first election, on the first Monday in July of each year; said election to be held at such Annual meeting place in the city of Buffalo, as a majority of the Directors shall appoint, of which due notice shall be given as shall be hereafter directed. The Directors shall, at their first meeting after

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such election, appoint from among their number a President, Vice President, Secretary and Treasurer, who may be required to give security according to the by-laws of said corporation.

SEC. V. The Directors may require from stockholders, payment of all sums of money by them subscribed, at such times and in such proportions as may be deemed proper, under the ^{Calls to be made.} penalty of forfeiture of their respective shares and all payments thereon, first giving thirty days previous notice of such call, in one or more newspapers printed in said city of Buffalo.

SEC. VI. George Palmer, George R. Babcock, Theodore D. Barton, Henry Martin, Elbridge G. Spaulding, John Ganson, ^{Commissioners.} Frederick P. Stevens, Fayette Rumsey, James G. Hoyt, Charles A. Milliken, of the city of Buffalo; James S. Wadsworth, of Geneseo; Alrick Hubbell, of Utica; Rufus H. King, of Albany; Sheppard Knapp and Thomas W. Gale, of New York City, shall be Commissioners, who shall co-operate with Commissioners who are or may be appointed under a charter for the like purposes, by the Canadian Parliament. Said Commissioners shall, on the first Tuesday in May next, or as soon thereafter as a majority of said Commissioners shall appoint, meet at some suitable place in the city of Buffalo, to open the books and receive subscriptions to the capital stock of said corporation; they may adjourn said meeting to any place in the County of Erie, when they may again open the books, after having kept them open through the business hours of the day, on the first meeting, but no adjournment shall be for a less time than one week. Public notice shall be given of the first meeting, ten days, and of each subsequent meeting, six days, in one or more newspapers in the city of Buffalo. The books, when opened by one or more of the Commissioners, shall remain so at least through the business hours of the day, so that all persons may have a full opportunity of becoming subscribers to the capital stock of said company. The sum of five

<sup>Comm'r's to meet
1st Tuesday in
May and open
books, &c. &c.</sup>

^{5 per cent to be paid on stock} dollars upon each share of stock so subscribed, shall be paid to said Commissioners attending at the time of making such subscription.

^{Railway & other Corporations may subscribe and take stock} SEC. VII. Any railroad corporation whose road now has, or shall hereafter have a terminus at, or shall run its trains to or from said city of Buffalo, or any point near Fort Erie aforesaid, or shall run its trains in connection with any road having such terminus, or upon which trains are or shall be run to or from said city of Buffalo aforesaid, or any point near Fort Erie aforesaid, may with the consent of the persons owning a majority of its stock, loan its credit to the corporation hereby created, or may subscribe to and become the owner of the stock thereof, in like manner and with like rights as individuals.

Section VIII. of the Act passed April 17th, 1857, was so amended April 10th, 1858, as to read as follows :

^{Commissioners opening books from time to time. May distribute stock.} "The said Commissioners, or a majority of them, shall meet on the first Tuesday of July next, or as soon thereafter as a majority of said Commissioners shall appoint, at their first place of meeting, and if the whole of the capital stock shall not have been subscribed, said Commissioners so attending at such meeting may adjourn from time to time, as they may deem proper, and open the books for further subscription ; and if more than the whole stock shall have been subscribed, shall distribute the

^{Notice for election of Directors.} same and apportion it among the subscribers as they shall deem most advantageous to the corporation, and after closing the books, they shall give ten days' notice in two public newspapers published in the city of Buffalo, of a meeting of the stockholders to choose Directors. The said Commissioners, or such of them as shall attend, shall preside at the first election, and such election shall be made at the time and place appointed by the Commissioners in their notices, by such of the stockholders as shall be present in person or by proxy. At the first and all subsequent elections each of the stockholders shall be entitled to one vote on each share of stock which they shall respectively

hold, and which shall have stood in their names at least thirty days prior to the date of any such election, and the said Commissioners so presiding, shall under their hands certify the names of the Directors so elected, and deliver over the subscription money, books and papers to the said Directors. The time and place of the first meeting of the Board of Directors, shall be fixed by the Commissioners. The Board of Directors, or a majority of them, shall, after having published a notice for fifteen days in two daily papers in the city of Buffalo, of their intention to locate said Bridge, select, and by their certificate shall designate the site of said bridge and the approaches thereto, and shall make two certificates thereof, one of which shall be filed in the Clerk's office in the County of Erie, and the other to be filed with the Secretary of the said corporation, which approaches and site shall be considered the approaches to and site of said bridge, on which t' e said company may construct said bridge, and improve and perfect such approaches, as are hereafter mentioned. And the said Directors shall have power to cause such examination and surveys to be made, as may be necessary, in their judgment, for the selection as aforesaid of the most advantageous site of said bridge, and the avenues and approaches leading to and from the same. And for such purpose the Directors of the corporation hereby created shall have power to appoint an Engineer, Agents, or Officers, who are authorized to enter upon the lands or waters of any persons for such purpose, but subject to proper responsibility for all damages which they may do thereto."

SEC. IX. The said corporation is hereby empowered to purchase, receive and hold such real estate on either side of the said Niagara river, as may be necessary and convenient in accomplishing the object for which this charter is granted, and may, by their surveyors and engineers, enter upon such sites and locations, and take possession of the same. All such sites and locations as shall be entered upon as aforesaid, shall, ex-

Stock shall be held thirty days to give legal vote.

Directors give notice of location of Bridge.

Comp'ny to hold real estate that may be necessary.

cept donations, be purchased of the owner, or owners, at a price to be mutually agreed upon. In cases of disagreement of the price to be paid for any such land on the east side of said river, or any other cause which shall prevent acquisition by mutual agreement, the said Directors may present their petition to one of the Justices of the Supreme Court of the Eighth Judicial District, setting forth the necessity of such lands for the site of said bridge, toll-houses, gates, or for the accommodation of the officers or agents of said company, in the execution and discharge of their duties, and of the attempt and failure to purchase the same, and the residence of the owner or occupant, or agent representing the same, and the reasons why the purchase cannot be made, and the said Justice shall direct such notice to the owner or representative of such land as he shall deem reasonable, of the time and place of hearing the parties, and upon proof of the due service of such notice, and upon the hearing, the said Justice shall appoint three competent freeholders of the said County of Erie, to appraise said lands. The said appraisers, after giving notice to the owner, occupant or agent, or in case of his, her or their absence, leaving a written notice at the usual place of residence of such owner, agent or occupant, with some person of suitable age and discretion, shall appraise said lands, and award to the owner or owners thereof what they shall deem to be the full value of the same, and shall make their appraisement without delay, under their own hands and seals, and report the same to the said Justice, with an accurate and full description of the lands designated. The said appraisers shall be authorized to make personal examination, to administer oaths and to take testimony. The said Justice shall examine the report, may hear the parties, if desired, and may increase or diminish the damages, if he shall be satisfied that injstice has been done. Upon proof to such Justice, within twenty days after such determination, of the payment to the owner or owners, or of having deposited to his credit, in such bank as said Justice shall have directed, the amount of

Arbitration clause.

the value of such lands, and the payment of the expenses of the application and appraisal, the said Justice shall make an order particularly describing the lands and the payment of the money and expenses, and the facts necessary to the compliance with this section, and when the order shall be recorded in the office of the Clerk of the County of Erie, the said corporation shall be possessed of the lands thus ordered, and may enter upon and take possession of the same, and may use and improve the same as may be deemed most useful to said corporation.

SEC. X. In case any married woman, infant, idiot, or insane person, non-resident, or person whose residence is unknown, shall be interested in such lands, the said Justice shall appoint some competent and disinterested person to appear before said appraisers, and act for and in their behalf.

SEC. XI. The Directors of the corporation shall have power to make all reasonable by-laws and rules consistent with general laws for the government of the Company and its officers and agents.

*Directors to
make by-laws.*

SEC. XII. All the stockholders under this Act shall be severally and individually liable to an amount equal to the amount of capital stock held by them respectively, to the creditors of such Company, for all the debts contracted by the Board of Directors or agents of such Company, for its use, until the whole amount of the capital stock of said Company is paid in, and a certificate thereof filed in the office of the Clerk of the County of Erie. Of the whole capital stock subscribed, one-half shall be paid in within two years, and the one-half within three years from the time of the incorporation of said Company. If the Directors of said corporation shall contract debts for the Company exceeding in the aggregate the amount of the capital stock, they shall primarily be personally liable for such excess, and the stockholders shall be secondarily liable for such excess, in the ratio of their respective shares of stock.

*Stockholders to
be liable for
amt' of their
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Company to possess general powers of the 15th chapter such parts of the eighteenth chapter of the first part of the Revised Statutes.

SEC. XIII. The said corporation shall possess the general powers and be subject to the general liabilities prescribed by such parts of the eighteenth chapter of the first part of the Revised Statutes as are not repealed.

Persons not to obstruct works

SEC. XIV. If any person shall wilfully do, or cause to be done, any act or acts whatever, whereby said bridge, its lights, stations, works, machinery, fixtures or other appurtenances thereto, or any part thereof, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to said corporation treble damages sustained by means of such offence or injury, to be recovered in the name of the corporation, with costs of suit, by action of debt, and shall, moreover, be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any court having cognizance of the offence.

Bridge for the passage of persons, carriages and railways.

SEC. XV. Said bridge may be constructed as well for the passage of persons on foot and in carriages and otherwise as for the passage of railroad trains; but all such railroad companies as are mentioned or referred to in the seventh section of this act, shall have and be entitled to the same and equal rights and privileges in the passage of said bridge, and in the use of the machinery and fixtures thereof, and of all the approaches thereto.

SEC. XVI. Whenever the said bridge shall be completed for the passage of ordinary teams and carriages, the said Company may erect toll-gates, fix rates of toll, and make such erection as the Directors may deem expedient to guard the entrance on said bridge; but no greater tolls than the following shall be charged, viz: For every foot passenger entering upon or passing over said bridge, twenty-five cents; for every horse and rider, fifty cents; for every horse and single carriage, sixty cents, and an addition of eighteen and three-fourths cents for every passenger actually traveling in such carriage; all other passen-

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gers, the sum of twenty-five cents each; for each double carriage and two horses, one dollar, and the same rates for passengers, and twenty-five cents for each additional horse attached to such carriage; for sheep passing, one and a half cents per head; for swine, two cents each; for neat cattle, six cents per head; for each horse in droves or in cars, twelve and a half cents.

SEC. XVII. Whenever said bridge is so completed as to admit of the free passage of railroad trains, the said Company may erect such gates and fixtures to guard the entrance of such trains upon the bridge as the said Directors may deem proper, and may make such by-laws, rules and regulations, not inconsistent with the provisions of this act, in relation to the use of said bridge, its machinery, appurtenances and approaches, by railroad companies, their trains and carriages, and the compensation to be paid therefor, as said Directors may think proper; but no discrimination shall be made by the said Directors, in favor of or against any one or more railroad companies, in relation to the approaches or the passage of said bridge, or the use of its machinery, or the compensation therefor.

SEC. XVIII. If any person shall force or attempt to force any gate or guard of said bridge, or the approaches thereto, without having paid the established toll or compensation for passing the same, such person shall forfeit and pay to said company five times the amount of such toll or compensation, to be recovered in the manner aforesaid.

SEC. XIX. The said Company shall have power to erect coffer dams and such other works in Black Rock harbor and the Niagara river as may be necessary for the construction of such bridge, provided the navigation of said harbor and river shall not be unnecessarily obstructed or materially impeded by such works, and it shall be the duty of said company to put up and maintain, in the night time, during the season of lake navi-

gation, a good and sufficient light at each end of any coffer dam which may be erected by said company; said light to be placed at least five feet above said dam; and also such buoy, during both day and night, as may be necessary for the guide of persons navigating said river and harbor.

SEC. XX. The corporation hereby created shall have power to use any of the streets, squares, lanes or alleys of the city of Buffalo, or lands in said city, owned by the people of the State of New York, for the erection of such bridge and the works or approaches thereto appertaining, provided the consent of the Common Council of the said city of Buffalo shall first be obtained.

SEC. XXI. If the said bridge shall not be commenced within five years, and completed within ten years, said corporation shall from henceforth cease.

SEC. XXII. This act shall take effect immediately.

AN ACT

To Incorporate the International Bridge Company.

Whereas, the construction of a Bridge across the Niagara River, at or near the village of Waterloo, in the Township of Bertie, would be of great advantage to the public, and the persons hereinafter named (amongst others) have petitioned for an Act of Incorporation for facilitating that object: Therefore, Her Majesty, by and with the advice and consent of the Legislative Council and Assembly of Canada, enacts as follows:

I.—David Christie, John Fraser, John Oldfield, Robert H. Barlow, Thomas Mayne Daly, Joseph D. Clement, Allen Cleghorn, Alexander Douglass, William A. Thomson, Michael H. Foley, Angus Morrison, John Wilson, George B. Southwick, and all such other person or persons as shall, under the provisions of this Act, become subscribers to or proprietors in the Company hereby intended to be incorporated, shall be and are hereby united into a Company, for constructing, maintaining, working and managing a Bridge across the Niagara River, from some point at or near the village of Waterloo, (known as Fort Erie,) in the said Township of Bertie, to the City of Buffalo, according to the rules, orders and directions of this Act, and shall for that purpose be a body corporate and politic by the name of the “International Bridge Company.” And the said Company shall be and they are hereby authorized and empowered from and after the passing of this Act, by themselves, their agents, officers, workmen and servants, to make and complete the Bridge aforesaid, and to purchase, acquire and hold such real estate as is hereinafter mentioned, and from

Provisional
Directors.

time to time to sell, alienate and dispose thereof, and to acquire others in lieu thereof, as may be requisite for the object aforesaid.

Capital stock.

II.—The capital of the said Company shall be five hundred thousand dollars divided into five thousand shares of one hundred dollars each, with power from time to time to increase the said Capital Stock to one million dollars; such shares as aforesaid shall be and the same are hereby vested in the shareholders and their respective heirs, executors, administrators and assigns, to their proper use and behoof, proportionately to the sums subscribed and paid by each of the said shareholders respectively; and according to the same proportion each of the said shareholders respectively shall be entitled to have, receive and take their portions respectively in the net profits and income that may arise or accrue therefrom; and the said shareholders respectively may sell, transfer, give or alienate the shares held by them respectively, whenever they respectively consider fit, subject, however, to the by-laws of the said Company to be made by the Directors hereinafter mentioned, and as hereinafter provided; and the said shares shall be held personal estate, notwithstanding the conversion of any portion of the said Capital Stock into land; and no shareholder shall be liable for the payment of any debt or obligation due by the said Corporation beyond the unpaid amount of the shares held by him in the same.

**Shareholders
may vote by
proxy on stock
held 30 days.**

III.—At all meetings of the said Corporation each shareholder may vote by proxy duly appointed in writing, or in person, and shall be entitled to one vote for each share held by him in his own name, or in the names or name of the person or persons of whom he may be the heir at law, or the proper legal executor, administrator or legatee, for at least one calendar month previous to the day of election; and all questions proposed or submitted for the consideration of the said meetings shall be finally determined by the majority of such votes.

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IV.—The persons hereinbefore named, or the majority of them, shall cause books of subscription to be opened in the village of Waterloo aforesaid, in the Town of Brantford, and in the City of Toronto, for thirty days, and afterwards in such other places as they may from time to time appoint, until the meeting of the shareholders hereinafter provided for, for receiving the subscriptions of persons willing to become subscribers to the said undertaking, and for this purpose it shall be their duty and they are hereby required to give public notice in one or more newspapers published in the County of Welland, in the Town of Brantford, and in the said City of Toronto, respectively, as they or a majority of them may think proper, of the time and places at which such books will be opened and ready for receiving subscriptions as aforesaid, the persons authorized by them to receive subscriptions, and a chartered bank or banks into which the ten per cent. thereon is to be paid at the time hereinafter limited for such payment; and every person whose name shall be written in such books as a subscriber to the said undertaking, and shall have paid within ten days after the closing of said books into the bank or banks aforesaid, or any of the branches or agencies thereof, ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a shareholder of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said corporation; and such ten per centum shall not be withdrawn from the said bank or banks, or otherwise applied, except for the purposes of the said Company or upon the dissolution thereof for any cause whatsoever; Provided further, that if the total amount of subscriptions, within the thirty days limited as aforesaid, shall exceed the said sum of five hundred thousand dollars, then in such case the shares of each subscriber or subscribers shall be, as near as may be, proportionably reduced

Books to be
opened.

Notice to be giv-
en.

Ten per cent. in
Bank.

Stock may be
distributed.

by the persons hereinbefore named or a majority of them, until the total number of shares shall be brought down to five thousand shares.

May organize as soon as \$250,000 is subscribed. V.—So soon as two hundred and fifty thousand dollars of the capital stock of the said Company shall have been subscribed, and the ten per centum paid as aforesaid, it shall be the duty of the said persons hereinbefore named, or a majority of them, to call a general meeting of the shareholders, for the purpose of putting this Act into effect; which said meeting shall be held at the village of Waterloo aforesaid, and thirty days' previous notice thereof shall be given in the newspapers, as hereinbefore provided in the fourth section of this Act; at which said general meeting, the shareholders shall choose nine Directors, in the manner and qualified as hereinafter mentioned, who shall hold office until the first annual general meeting for the election of Directors, and until others are appointed in their stead.

Annual meeting. VI.—In each year after the said meeting hereinbefore provided for the first election of Directors, the annual general meeting of the said shareholders shall be held on the first Tuesday in July in each year, at the said village of Waterloo, at such hour and place as the said Directors may appoint; and public notice shall be given thereof, by notice inserted twice or oftener, at least eight days previous to each said meeting, in some one newspaper or newspapers published in the said county of Welland, the said Town of Brantford, and the City of Toronto, respectively.

Votes by proxy. VII.—At such first, and at every subsequent annual general meeting of the said shareholders hereinbefore directed, the said shareholders, or a majority of them there present, either by proxy or in person, by vote, according to the said number of shares, shall choose nine persons then being shareholders in the said Corporation, which persons so chosen shall be the Board

of Directors to manage, direct, and carry on the affairs and business of the said Corporation for one year next following such annual meeting, or until another Board of Directors shall be appointed; and particularly such matters and things as are by this Act hereinafter directed and authorized to be done by such Directors, and as shall, from time to time, be ordered by such annual or other general meetings of the said shareholders; and shall have power to name and appoint from the members of the said Board, a President, Vice President, Treasurer, and Secretary: And at any meeting of the said Directors duly held, any seven members of such Board shall be a quorum, and may exercise the powers of the said Board: Provided always, that such President, or Vice President in the absence of the President to be chosen as aforesaid, in addition to his own vote, shall have a casting vote in case of an equal division of votes, at the meetings of the aforesaid Directors: Provided always, that such Board shall, from time to time, make reports of their proceedings to, and be subject to examination and control of the said general meetings of the shareholders, and shall pay obedience to all such orders and directions in and about the premises as shall, from time to time, be ordered and directed by the said shareholders at any such general meeting, such orders and directions not being contrary to the provisions of this Act or to the laws of this Province: Provided also, that the Directors who are to be chosen at the first meeting of the said shareholders shall be a Board for the purposes aforesaid, until the said first annual general meeting, and shall have the like powers, and exercise all or any of the powers vested by this Act in the said Board to be chosen at such first or other general annual meeting: Provided also further, that the members of any such Board, at any time going out of office, may be re-elected: Provided also further, that security may be taken from any of the office-bearers of the said Company for the due fulfilment of their duties: And provided also further, that any stockholder in the said Company, whether a British subject or

Officers of Corporation.

Directors make reports.

~~Aliens may hold stock.~~ alien, or a resident in Canada or elsewhere, shall have an equal right to hold stock in the said Company, and to vote on the same, and to be eligible to office in the said Company.

~~Failure to hold first annual meeting.~~ VIII.—The failure to hold the first annual general meeting or any other meeting, or to elect such Board of Directors, shall not dissolve the said Corporation; but such failure or omission shall and may be supplied by and at any special meeting to be called as the said Directors may appoint for that purpose: And until such election of a new Board, those who may be in office for the time being shall be and continue in office, and exercise all the rights and powers thereof until such new election be made as hereinbefore provided.

~~Powers of the Board.~~ IX.—The said Board shall have and be invested with full power and authority to conduct, manage and oversee, and transact all and singular the concerns, affairs and business of the said Corporation, and all matters and things whatever in any wise relating to or concerning the same, and amongst other things—

~~Appoints agents.~~ Firstly—To appoint and employ and remove all such engineers, agents or agent, servant or servants, of the said Corporation, as they may find from time to time expedient or necessary, and to regulate the duties and fix the salaries and wages of such agents and servants, and all the necessary expenditure for the management and working of the said Corporation;

Secondly—To regulate the form of certificates of shares and all matters relating to their transfer;

~~Site of bridge~~ Thirdly—To choose and acquire for and in the name of the said Corporation, the requisite site for the construction of the said Bridge and its dependencies, and to enter into the necessary arrangements and agreements for the construction of the same, and during, upon, and after its construction to have the entire management and disposition thereof, and further to unite with any other Company to be chartered by the People of the

State of New York for a similar purpose, and to enter into all requisite contracts and agreements therewith;

Fourthly—To order the payment of any sum of money they may deem necessary for the purposes of this Act; Pay money.

Fifthly—To contract a loan or loans for or in the name of the said Corporation, not exceeding in the whole at any one time the sum of two hundred thousand dollars, upon such terms or at such rate of interest less than, equal to, or greater than the legal rate, as may be agreed upon, and to pledge and mortgage the real and personal property of the said Corporation for the payment of any such loan or interest; Contract Loans.

Sixthly—To make such calls of money from the several shareholders for the time being, upon the shares subscribed for by them respectively, as the said Board shall find necessary, and in the name of the said Corporation to sue for, recover and get in all such calls, and to cause and declare such shares to be forfeited to the said Corporation in case of non-payment of any such call, and in such way as they shall see fit to prescribe by any by-law; and an action of debt may be brought to recover any money due on any such call, and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more, as the case may be, in the capital stock of the said Corporation, and is indebted to the said Corporation in the sum to which the call or calls amount, (as the case may be, stating the number and amount of such calls,) whereby an action hath accrued to the said Corporation to recover the same from such defendant by virtue of this Act, and it shall be sufficient to maintain such action, to prove by any one witness, that the defendant at the time of making any such call was a shareholder in the number of shares alleged, and that any call sued for was made, and notice thereof given in conformity with any such by-law prescribing such call, and it shall not be necessary Make calls.
Declare share
forfeited.

to prove the appointment of the said Directors or any other matter whatsoever;

May make By-laws. Seventhly—To make the necessary by-laws in reference to the powers and duties imposed and conferred upon the said Board by this Act, and generally for the government and management of the said Corporation, subject always to the provisions of this Act and of the laws of this Province; with power to the said Board to vary, alter, repeal or revive, any of the said by-laws; Provided always, nevertheless, that all such by-laws, rules or orders, and any such variation, alteration or repeal thereof, may be reviewed or disallowed at any general meeting of the said shareholders.

May hold special meeting. X.—The said Board shall and may call and convene special and general meetings of the shareholders whenever it shall be necessary, and so often as shall be required, upon the requisition of at least five shareholders, and shall give the public notice hereinbefore mentioned of the holding of any such special general meeting, and shall at each annual general meeting, or at any special meeting to be called for that purpose, submit to the shareholders a clear and detailed statement of the affairs and accounts of the said Corporation, whereupon at such meeting the same shall be examined and audited, and if any dividend upon the capital stock is thereupon to be made, the same shall at such meeting thereby be declared.

Cham'n pro tem. XI.—In the absence of the President and Vice President, at any meeting thereof, it shall be in the power of the Directors present to elect from among themselves a chairman for the time being, who in addition to his own vote, shall also in case of an equal division of votes, have a casting vote at such meeting, and in the event of the death, resignation, continued absence, incapacity or disqualification of any member of the said Board, the shareholders shall, at a meeting to be called for that purpose, as hereinbefore provided, choose a shareholder instead and in place of such member, and such shareholder so

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chosen shall form part of the said Board until the then next annual election.

XII.—The said Corporation is hereby empowered to purchase, receive and hold such real estate, to the extent of ten acres in the whole, as may be necessary and convenient in accomplishing the object for which this charter is granted, and may, by their surveyors and engineers, enter upon such sites and locations and take possession of the same; all such sites and locations shall be purchased of the owner or owners, at a price to be mutually agreed upon, or in case of disagreement as respects the acquisition of the said lands, the several clauses of "The Railway Clauses Consolidation Act," with respect to "Lands and their Valuation," in so far as the same may be applicable to the objects of this Act, shall be incorporated herewith and form part of this Act, as if the same had been expressly set forth herein.

Hold real estate.

XIII.—The said bridge shall be constructed so as not materially to obstruct the navigation of the Niagara River; the said bridge shall have two draws, one across Black Rock harbor, and the other across the main channel of the river, which said draws shall be of ample width to give free and unobstructed passage to all steamboats and other vessels navigating the said river; the said draws shall be at all times tended and moved at the expense of the said company so as not to hinder unnecessarily the passage of any steamboats or vessels; From sundown until sunrise, during the season of navigation, suitable lights shall be maintained upon the said bridge to guide vessels and steamboats approaching the draws; and for assisting the passage of any vessel through the said draws, the said company shall at all times keep in readiness one or more steamboats, or steam tugs, suitable for towing the said vessels through the said draws, and shall tow all the said vessels through the same, whenever requested so to do by the officers

Bridge not ma-
terially to ob-
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Suitable draws.

Steam tugs.

of such vessels on their regular trips, up and down the river or harbor, without charge; and the said company shall be liable to pay the owners of any steamboat or vessel, or of the cargoes thereof, all damages which they may sustain by reason of any neglect of the provisions of this section.

Railway Companies to have equal rights. XIV.—The said bridge shall be as well for the passage of persons on foot and in carriages, and otherwise, as for the passage of railway trains, and such railway companies as are hereinafter mentioned or referred to, shall have and be entitled to the same and equal rights and privileges in the passage of the said bridge, and in the use of the machinery and fixtures thereto and of all the approaches thereto.

Railways may loan their credit. XV.—Any railway corporation whose road now has, or shall hereafter have, a terminus at, or shall run its trains to or from any point at or near the said village of Waterloo or the said city of Buffalo, or shall run its trains in connection with any road having such terminus, or upon which trains are or shall be run to or from the localities aforesaid, may, with the consent of a majority of the shareholders of its stock, loan its credit to the corporation hereby created, or may subscribe to, or become the owner of the stock thereof, in like manner and with like rights as individuals; and any municipal corporation, either County, Town, Township or Village, beneficially affected by or interested in the said bridge, may also subscribe to, and become the owner of such stock, in the manner and with the rights aforesaid, subject to the general provisions of the Upper Canada Municipal Corporation Acts.

Toll-gates. XVI.—Whenever the said bridge is so completed as to admit of the passage of railway trains, the said company may erect such gates and fixtures to guard the entrance of such trains upon the bridge, as the said Directors may deem proper, and may make such by-laws, rules and regulations, not inconsistent with the provisions of this Act, in relation to the use of the said

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bridge, its machinery, appurtenances, and approaches by railway companies, their trains and carriages, as the Directors may think proper, but no discrimination shall be made by the said Directors in favor of or against any one or more railway companies, in relation to the approaches or the passage of the said bridge, or the use of its machinery.

XVII.—If any person shall force, or attempt to force, any gate or guard of the said bridge, or the approaches thereto, or if any person shall wilfully do, or cause to be done, any act or acts whatsoever, whereby the said bridge, its lights, stations, works, machinery, fixtures, or other appurtenances thereto, any part thereof, or any work or approach appertaining thereto, shall be obstructed, impaired, weakened, destroyed or injured, the person so offending shall forfeit to the said corporation treble the damages sustained by means of such offence or injury, to be recovered in the name of the said company, with costs of suit, by any proper action for that purpose, and shall moreover be guilty of a misdemeanor, and be punished by fine or imprisonment, or both, by any Court or Justice having cognizance of the same.

Violation of toll regulations.

XVIII.—The said company shall, three months before any steps are taken in erecting the piers of the said bridge, cause to be published in one of the public newspapers in each of the Counties of Lincoln, Welland and Brant, a notice, in which shall be stated the particular location of the said bridge with reference to known landmarks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear of the draw openings respectively, the entire length of the bridge from land to land, and its height above the water at ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the President and Secretary of the company, and acknowledged by them before a Magistrate or Notary Public,

Company to give notice.

shall be filed in the offices of the respective Clerks of the Peace of the said hereinbefore mentioned Counties.

Coffer dams.

XIX.—The said company shall have power to erect coffer dams and such other works in the Niagara River as may be necessary for the construction of such bridge, provided the navigation of such river shall not be unnecessarily obstructed by such works; and it shall be the duty of the said company to put up and maintain in the night time during the season of the navigation, a good and sufficient light at each end of any coffer dam which may be erected by the said company, the said light to be placed at least five feet above the said dam; and also, such buoys, during both day and night, as may be necessary for the guidance of persons navigating the said river; Provided always, that before commencing the works of the said bridge, or taking possession of any part of the beach or land covered with water or other public property, the company shall obtain the consent of the Governor in Council, who may impose such terms and conditions as he shall think proper before granting permission to commence the works or take possession of any public property as aforesaid; nor shall the works be commenced until the plan thereof in all its details by which the public convenience and the facility of navigation can be affected, shall have been submitted to and approved by the Governor in Council; and the Company shall abide strictly by the plans so approved, and shall not deviate therefrom except by the express consent of the Governor in Council to such deviation.

**Governor and
Council approve
plan of bridge**

May use streets.

XX.—The Corporation hereby created shall have power to use any of the streets, squares, lanes or alleys of the village of Waterloo, in the said Township of Bertie, for the erection of the said Bridge and the works and approaches thereto appertaining, provided the consent of the Municipal Council of the said Township of Bertie be first obtained.

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Time to com-
plete Bridge.

XXI.—If the said bridge shall not be commenced within three years and completed within six years from the passing of this Act, the said Corporation shall from thenceforth cease.

XXII.—The Interpretation Act shall apply to this Act, and this Act shall be deemed a Public Act.

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AN ACT

To amend the Act to Incorporate the International Bridge Company.

Preamble.
20 V. c. 127.

Whereas, an Act was passed in the 20th year of Her Majesty's Reign, intituled "An Act to incorporate the International Bridge Company," which it is desirable to amend, and the Board of Provisional Directors have petitioned for an Act to amend the same; Therefore, Her Majesty, &c., enacts as follows;

Capital of the Company.

I. The capital of the said Company shall be one million five hundred thousand dollars, divided into fifteen thousand shares of one hundred dollars each.

Tolls may be collected by the Company, but not to exceed certain rates.

II. Whenever the bridge authorized by the said Act shall be completed for the passage of ordinary trains and carriages, the said Company may erect toll-gates, fix and collect rates of toll and make such erections as the Directors may deem expedient to guard the entrance to the said bridge and prevent persons from entering upon or passing the same without paying such tolls; but no greater tolls than the following shall be charged for entering upon or passing over the said bridge, that is to say:—For each foot passenger, twenty-five cents; for each horse and rider fifty cents; for each horse and single carriage sixty cents, and an addition of eighteen cents and three-fourths of a cent for each passenger actually traveling in such carriage; for each other passenger the sum of twenty-five cents; for each double carriage and two horses, one dollar, and eighteen cents and three-fourths of a cent for each passenger actually traveling therein, and twenty-five cents for each additional horse attached to such carriage; for sheep, one and a half cents per

head; for swine, two cents each; for neat cattle, six cents per head; for each horse in droves or in cars, twelve cents and a half.

III. So much of the thirteenth section or of any other part of the said Act, as provides that the International Bridge Company shall keep steam tugs for the purpose of towing vessels through the draws of the bridge, shall be and is hereby repealed.

IV. The eighteenth section of the said Act shall be so amended as to read as follows:

"The said company shall, before any steps are taken in erecting the piers of the said bridge, cause to be published three times in one of the public newspapers in each of the Counties of Lincoln, Welland and Brant, a notice, in which shall be stated the particular location of the said bridge with reference to known landmarks, the number of its piers, the length and breadth of its piers, and the distances between them, the width in the clear of the draw openings respectively, the entire length of the bridge from land to land, and its height above the water at ordinary stages; and a copy of this notice, the facts of which shall be verified by the oath of the engineer, signed by the President and Secretary of the company, and acknowledged by them before a Magistrate or Notary Public, shall be filed in the offices of the respective Clerks of the Peace of the said hereinbefore mentioned Counties.

V. It shall be lawful for the said Company to enter into any agreement with the Mayor and Corporation of the City of Buffalo, in the United States of America, for the purpose of obtaining the aid of the corporation of that city in the erection of the bridge; and for such purpose the said Company may accept any guarantee of interest upon their expenditure, or any loan of money or other pecuniary assistance which may be agreed upon by the said parties, and may give such secu-

rity to the said Mayor and Corporation as may be agreed upon between them.

Comp'y collect
back charges on
certain goods.

VI. The Directors of the said Company shall have power to collect and receive all charges subject to which goods or commodities may come into their possession; and on payment of such back charges, shall have the same lien for the amount thereof, upon such goods or commodities as the persons to whom such charges were originally due, had upon such goods or commodities while in their possession; and shall and may have power to do all things whatever which may be requisite or necessary to carry out the objects of the corporation.

Public Act.

VII. This Act shall be deemed a Public Act and shall be construed as one Act with the Act amended by it.

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AN ACT

To authorize the City of Buffalo to guarantee the payment of interest on moneys expended in the construction of a Bridge over the Niagara river, and to raise the funds necessary for the payment thereof.

PASSED APRIL 17TH, 1858.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Sec. I. The Common Council of the city of Buffalo are hereby authorized, by a vote of two-thirds of the members elected thereto, to guarantee, as hereinafter provided, an annual interest on such an amount of the capital stock of the International Bridge Company, incorporated by an act of the legislature of the State of New York, passed April 17, 1857, and of the International Bridge Company, incorporated by a statute of the Province of Canada, passed in the twentieth year of the reign of Her Majesty, Queen Victoria, and in the third session of the fifth Parliament of said Province, and the royal assent given by Her Majesty, in council, on the twenty-seventh day of August, eighteen hundred and fifty-seven, as shall be necessary and sufficient to construct and complete a bridge across the Niagara river, at the said city of Buffalo, and to defray the expense of suitable approaches, fixtures and other expenses provided for by the said acts; the aggregate amount of said capital stock so authorized to be guaranteed, shall not exceed the sum of two millions five hundred thousand dollars; the rate of interest during the construction of said bridge, its approaches, fixtures and appurtenances, shall not exceed four per

Council may
guarantee Inter't

cent. per annum, nor shall such rate of interest be so guaranteed for a longer term than three years, from the commencement of such construction.

Day for work to begin.

SEC. II. The Common Council may, by a contract with the said companies, designate the day when the work shall be commenced, or be deemed to have been commenced, and make the guaranty and payment of interest dependent upon the expenditure of fixed sums of money, in fixed times or periods, in the construction of said bridge, and in the construction and the acquisition of suitable approaches and fixtures. The guaranty and payment of interest shall be from the end of each three months, from and after the day so designated, upon the sum actually expended during the prior three months, in such construction and acquisition, up to the date of the actual completion of the said bridge, not exceeding three years from the day so designated as the commencement of the works, and the contract shall provide for some reasonable mode of ascertaining and liquidating, to the satisfaction of the Common Council the sum of money so expended in each three months. If the said bridge, its approaches, fixtures, and all other works which the said acts authorize and require to be done, shall not be finished and ready for use at the end of three years, from the commencement thereof, the liability of the said city to pay said interest shall cease until the same shall be completed.

*Bridge to be built in 3 years.
In failure, the interest to stop.*

SEC. III. Whenever the contract provided for in the preceding section shall be made, the said Common Council shall be authorized and empowered, at the same time, to further agree and contract with the said companies, that when the said bridge, its approaches, fixtures and appurtenances, and other works, shall be completed and ready for use, they will guarantee and pay an annual interest not exceeding six per cent. per annum, in a manner, the form to be agreed upon, on an amount

*May contract to pay 6 per cent
interest on am't agreed upon.*

of the capital stock of said companies equal to the actual sum expended by said companies in the construction of the said works, not exceeding the sum of two millions five hundred thousand dollars, for a term not exceeding fifteen years, after the completion of such bridge by the said companies, upon such reasonable agreements and conditions, touching the management and control of the bridge, and touching the expenditures of the companies, as may be deemed advisable for the indemnity of the city, and upon the agreement of the companies faithfully and fully to perform and execute the provisions of this section, and upon the guaranty and payment herein mentioned being made, dependent upon the full and faithful execution and performance of all and singular, the conditions and agreements by the said companies, to be performed and kept, and of the faithful execution by them of the provisions of this section. During the period of the aforesaid guaranty, the Board of Directors and the Common Council shall fix the tolls and charges to be paid for the use of said works, according to the charters of said companies, which tolls the said companies shall collect, and shall, on the first Tuesday in each month, pay over, for the sole use of said city, the amount so collected, to the Treasurer of the said City of Buffalo, reserving therefrom only a sum sufficient to defray the current expenses of said bridge, and the ordinary repairs actually and necessarily made, the whole or any part of which may be fixed by contract between the parties aforesaid, such payment to be accompanied by a monthly abstract of receipts and disbursements, verified under oath by the officers of said companies.

SEC. IV. If for any cause not produced by the said city, the said bridge, its approaches, draws, machinery, fixtures or appurtenances, shall within the term of not exceeding fifteen years, become impassable or dangerous, the said guaranty of interest shall cease, and be suspended until said bridge, its ap-

Directors and
Com. Council fix
tolls & charges.
Tolls to be paid
into the city.

Interest to cease
if bridge out of
repair.

*Comp'y to repair
at own cost.* proaches, draws, machinery, fixtures or appurtenances shall be put in complete repair, and in a safe condition for use, by the said companies, and at their own expense and charges; and during said suspension of travel over or use of said bridge, the said city shall not be liable to pay any interest on the said guarantee.

*Interest put in
estimate.* SEC. V. The sum necessary for the payment of the interest guaranteed under the provisions of this act, shall be included in the annual estimate of the Comptroller made to meet the expenses of said city for each year, and levied and collected as a part of the general city tax, in the same manner as the expenses for all other general city purposes are levied and collected; but the Common Council, in their discretion, may provide for the payment of the interest guaranteed during the construction of the work, or any part thereof, as it shall fall due, by contracting a temporary loan for a term not exceeding twenty years, and issue the bonds of the said city for the same, bearing an interest not exceeding seven per cent. per annum. No part of said city, as now or hereafter organized, shall be exempt from the payment and discharge of any liabilities incurred under any of the provisions of this act.

*Interest on con-
struction may be
paid by the issue
of Bonds.*

Special election. SEC. VI. The Common Council, before exercising the powers conferred by the preceding sections, shall order a special election in the manner prescribed by the charter of said city for the ordering and holding of special elections, to ascertain whether the electors of said city will approve or disapprove of the exercise of said powers, which election shall in all respects be conducted in the same manner as charter elections held for the election of city officers; and all the provisions of law respecting such elections, and the persons voting or offering to vote thereat, shall be applied to such special election, or they may submit the same to the electors of said city, for approval or disapproval, at any charter or general election held in said

city, under the provisions of existing laws, at any time after the passage of this act. The Common Council shall provide a box for the inspectors of election, in each election district in said city, in which each elector may deposit a ballot, on which shall be written or printed the words "For aid to the bridge," ^{Form of ballot.} or "Against aid to the Bridge." The said box shall be kept open for the reception of ballots, in each of the election districts in said city, if at a special election, from nine o'clock in the morning until seven o'clock in the evening, on the day of such election; if at a charter or general election, then during the period the other polls shall be open at the same election. On the close of the polls, the inspectors shall immediately proceed to canvass the ballots deposited in the boxes, in the manner now required by law in the election of city officers, and make a certificate thereof, stating the number of ballots cast "For aid to the bridge," and the number "Against aid to the bridge," and within two days thereafter, shall file the said certificate in the office of the city clerk. The Mayor and city clerk shall immediately proceed to canvass the ballots thus certified and returned, and make their certificate stating the whole number of ballots "For aid to the bridge," and "Against aid to the bridge," and sign and file the said certificate in the office of the city clerk, and report the result of said canvass to the Common Council at the next meeting thereof. ^{Canvass of vote.}

SEC. VII. When the Common Council shall order an election in pursuance of the foregoing section, they shall at the same meeting order and direct this act to be published three days in each of the daily papers printed and published in the said city of Buffalo, the last publication to be made two days before the day appointed for the holding of such special election. ^{Enabling Act to be published.}

SEC. VIII. This act shall take effect immediately.